

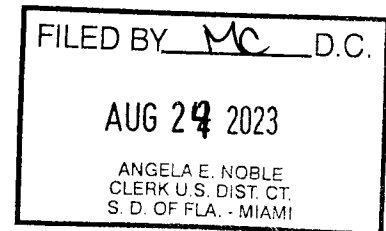
23 CV 22966

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Civil Case Number: To be set

Earl J. Downs
(Write the full name of the plaintiff)

vs.
FNU Flores (Sergeant)
FNU Sanguoz (Sergeant)
FNU Johnson (officer)
FNU Hardy (officer)
(Write the full name of the defendant/s in this case)



COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

I. Party Information

A. Plaintiff: Earl J. Downs

Address: 5964 U.S. Highway 90

Inmate/Prison No.: H26167

Year of Birth: 1983 (Do not include day or month, pursuant to Fed. R. Civ. P 5.2)

(Write your name, address and prison/inmate number, if applicable)

vs.

B. Defendant: FNU Flores Defendant: FNU Sanguoz

Official Position: Sergeant Official Position: Sergeant

Place of Employment: Dade C.I. Place of Employment: Dade C.I.

(Write the full name of each defendant, official position and place of employment. Attach a separate page if you need additional space for additional defendants.)

B. Continued...

Defendant: FNU Johnson

Official Position: Officer

Place of Employment: Dade. C.1

Defendant: FNU Hardy

Official Position: Officer

Place of Employment: Dade.
C.1

II. Statement of Claim

Briefly describe the facts of your case. Describe how each defendant is involved, names of other persons involved, and dates and places. Each claim should be stated in a separately numbered paragraph. Please use short and plain statements, with separately numbered paragraphs indicating why the relief requested should be granted. Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

The actions of all defendants in using physical, excessive and/or unnecessary force without need or provocation, and/or failing to intervene as required was done maliciously & sadistically constituting cruel and unusual punishment and Deliberate Indifference in violation of my 8th U.S.C.A. right.

1) On 8/25/2019, while housed in a M/H unit at Dade C.I. in cell #J5-209 with 3 other inmates approximately between 4:00am-5:00am myself and all of my 3 other inmates were awakened by the cell door being opened as Sgt. Flores rushed side the cell screaming

2) As Sgt. Flores rushed inside the cell, he shouted, "Who in the fuck, did it?", while acting in a very aggressive and sadistic manner, which the Plaintiff took as bravado to impress the 2 other female officers that were present (Defendants Johnson & Hardy).

III. Relief Requested

Briefly state what you are requesting from the Court (what do you want the Court to do). Do not include legal arguments or cite cases or statutes. Attach additional pages, if necessary.

Wherefore, Plaintiff requests that the Court grants the following relief listed below

A. Issue a declaratory judgment stating that:
1. The physical abuse of the Plaintiff by the defendants with chemical agents violated the Plaintiff's rights under the 8th Amendment to the U.S. Constitution and Constituted an Assault

II. Relief Requested (cont'd)

and Battery, under Florida Law

2. Defendant's failure to take action to curb the "Excessive Force", Upon a prisoner violated Plaintiff's rights under the 8th Amendment to the U.S. Constitution

B. Award \$50,000⁰⁰ compensatory damages in the following (jointly and severally) against all named defendants

C. Award \$50,000⁰⁰ punitive damages in the following (jointly and severally) against all named defendants

D. Grant such other relief as it may appear that plaintiff is entitled to.

II. Statement of Claim (Cont'd)

- #3) As the Plaintiff and his roommates, (Moses Bellinger # 104302, George Finkley # 139895 and another unknown prisoner), were groggily getting out of bed, Moses Bellinger was the first one up
- #4) Sgt. Flores, Would not calm down
- #5) Sgt. Flores, started striking Moses Bellinger with a closed fist in the head, repeatedly over and over
- #6) Then Sgt. Flores, Looked up at me and threatenly stated, "Don't worry - you're next!"
- #7) Plaintiff then got up off of his bunk, Because the Plaintiff didn't want to be jumped on, while lying on his bunk.
- #8) Then the Plaintiff was engaged by Sgt. Flores & Sgt. Sanguoz, who repeatedly punched the plaintiff in the face and head
- #9) Plaintiff, blanked out temporarily and woke up on the floor being beaten by Sgt. Flores & Sgt. Sanguoz, Sustaining blows to the head, ribs, arms, legs and hands.
- #10) After about 5 minutes of sustaining blows, One of the defendants grabbed the plaintiff's hand and began, bending and twisting his finger backwards, snapping his fingers and fracturing, popping some of them out of the socket.
- #11) After several complaints, the Plaintiff was seen by Medical and Plaintiff hand was X-rayed
- #12) Due to the X-ray results of Plaintiff's hand, Doctor Condero recommend Surgery
- #13) Besides the injury to Plaintiff's hand, Plaintiff also suffered great injury to his head, which was swollen and deformed or it was swollen so bad that it looked deformed
- #14) Now up to this date, Plaintiff still hasn't had any surgery, leaving his hand deformed
- #15) The Plaintiff was a "Mental Health Patient", Due to his Suicide attempt
- #16) Defendant's Hardy & Johnson, both watched as Sgt.'s Flores & Sanguoz, Assaulted and Battered me.
- #17) M/H specialist, the Regional Director, and the Inspector, were all informed of this incident, when I reported it to them

#18) The inspector conducted an investigation of the matter

#19) I filed several grievances (i.e. exhausting all my administrative remedies) in regards to this incident, which are logged on file and in F.D.O.C's database also. [Note: informal grievance was "approved" at an institutional level of this incident by Major Green]

#20) All of my medical injuries are documented & logged, for substantiation of this incident

CONCLUSION:

#21) This is how all defendants participated in this 8th Amendment Violation by being Deliberate Indifferent, applying excessive force and inflicting Cruel & Unusual Punishment

DEFENDANT FLORES

#22) Flores (Sergeant) - Contributed to this 8th Amendment violation of Cruel & Unusual Punishment for "Excessive/Unnecessary Force", By Assaulting & Battering the Plaintiff by repeatedly punching the Plaintiff in the head & face then by repeatedly beating the plaintiff in the head, ribs, arms, legs and hands as He layed hurt on the ground causing physical injury & permanent disfigurement to the Plaintiff, which is substantiated by medical documents and Corroborated by medical staff officials. Therefore, the excessive/unnecessary force was applied to the plaintiff by the defendants without penological justification nor provocation in violation of my 8th Amendment Right

DEFENDANT SANQUOA

#23) Sanquoa (Sergeant) - Contributed to this 8th Amendment violation of the Cruel & Unusual Punishment Clause for "Excessive Force" by Assaulting & Battering the Plaintiff by repeatedly punching the Plaintiff in the face & head then by simultaneously kicking the Plaintiff in the head, ribs, arm's, leg's and hand's as he layed hurt on the ground causing physical injury & permanent disfigurement to the plaintiff which is substantiated by medical documents and corroborated by medical staff officials. Therefore, the excessive / unnecessary force was applied to the plaintiff by the defendants without penological justification nor provocation in violation of my 8th Amendment Right!

DEFENDANT JOHNSON

#24) Johnson (Officer) - Contributed to this 8th Amendment violation of the Cruel & Unusual Punishment Clause for being "Deliberately Indifferent" to the Plaintiff's safety due to her failing to curb the acts and actions of all the staff that were involved and/or participated in this particular unnecessary force incident which contributed to or proximately caused this 8th Amendment violation

DEFENDANT ~~JOHNSON~~ HARDY

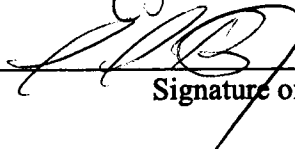
#25) Hardy (Officer) - Contributed to this 8th Amendment violation of the Cruel & Unusual Punishment Clause for being "Deliberately Indifferent" to the Plaintiff's safety due to her failing to curb the acts and actions

of all the staff that were involved and/or participated in this particular unnecessary/excessive force incident which contributed to or proximately caused this 8th Amendment violation

IV. Jury Demand

Are you demanding a jury trial? ☒ Yes ☐ No

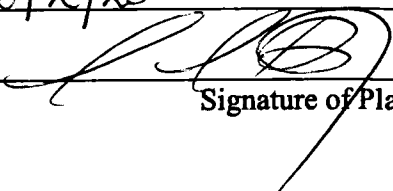
Signed this 2nd day of August, 20 23



Signature of Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 8/2/23



Signature of Plaintiff

EARL DOWNS # H26167
Florida State Prison
P.O. Box 800
Raiford, Fla. 32080

USMS INSPECTOR

By

Mailed From A State
Correctional Institution



Clerk of Court

400 N. Miami Ave

Miami, Florida 33128

LEGAL MAIL

Legal Mail
Provided to Florida State Prison on
8/17/23 for mailing by R. W.

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